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July 8, 2009

**VIA FAX 212-805-7900**  
Honorable Kimba M. Wood  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: Gulino, et al. v. Board of Education,  
Docket No. 96 Cv. 8414 (KMW)

# **MEMO ENDORSED**

Dear Judge Wood:

I am an Assistant Corporation Counsel assigned to represent defendant New York City Department of Education ("BOE") in the referenced action. By Order dated June 25, 2009, the parties were advised of the Court's intention to dismiss, on its own motion, BOE's cross-claim for indemnification and contribution against former defendant New York State Education Department ("SED"). Your Honor directed BOE to respond to the Order no later than July 1, 2009; a deadline later extended until today, July 8, 2009.

BOE hereby states that it does not object to the dismissal of its cross-claim for indemnification and contribution against SED.

BOE continues to urge the Court to grant SED's motion to intervene in this action.

Respectfully,

Emerson F. Foley

Eamonn F. Foley  
Assistant Corporation Counsel

**SO ORDERED:** 7-22-09

Kimba M. Wood  
KIMBA M. WOOD  
U.S.D.

**KIMBA M. WOOD**  
**U. S. D. J.**

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